



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 17 जुलाई, 2001/26 आषाढ़, 1923

हिमाचल प्रदेश सरकार

STATE ELECTION COMMISSION, HIMACHAL PRADESH

NOTIFICATION

Shimla-171 002, the 17th July, 2001

No. SEC-5-17/94-II-1262-1328. In exercise of the powers vested in it under Article 243 k and 243 ZA of the Constitution of India and section 281 of the Himachal Pradesh Municipal Act, 1994 and all other powers enabling it in this behalf, the State Election Commission of Himachal Pradesh hereby makes the following Rules :—

1. *Short-Title, Extent, application and commencement.* (1) These Rules may be called the Himachal Pradesh Municipal (Disqualification of office bearers, etc.) Rules, 2001.

(2) These Rules shall extend to whole of Himachal Pradesh and apply to elections held to all Municipalities in the State.

(3) These Rules shall come into force on the date of their publication in the Official Gazette, namely the Himachal Pradesh Rajpatra.

2. *Definitions.*—(1) The "competent authority" shall mean the Director, Urban Local Bodies Department of the Government of Himachal Pradesh and shall be denoted hereby by the word "Director".

(2) The words and expressions used but not defined herein shall bear the same meanings as are assigned to them in the Himachal Pradesh Municipal Act, 1994.

3. *Report to the Director.*—(1) On receipt of the statement of accounts from the contesting candidates, the Sub Divisional Officer (Civil) concerned shall, within thirty days from the last date of submission of accounts, submit a complete report to the Director specifically pinpointing the names and addresses of those candidates, who have failed to lodge the account of election expenses incurred.

4. *Procedure for disqualification on incurring expenditure beyond limit and for failure to lodged an account of expenses.*—(1) If the competent authority is of opinion that a person:—

- (a) has incurred expenditure in excess of the limits prescribed under section 17-A, or
- (b) has failed to lodge the account of election expenses within the time and in the manner required under section 17-B of the Act.

It will complete the necessary inquiry after giving to the defaulter a reasonable opportunity of being heard within a period of 60 days from the service of notice by him on such defaulter.

(2) That the competent authority shall pass an order based on such inquiry and the order will be published in the Rajpatra and copies of the same will be sent to the state Election Commission, Deputy Commissioner, Sub-Divisional Officers (Civil) and Executive Officers/Secretary of the Municipal Committee concerned.

(3) That a register of disqualified persons will be maintained by all the Deputy Commissioners/S. D. O. (C)/Tehsildars/Executive Officer/Secretary of the Municipal Committee concerned and the names of the persons whose disqualification has ceased on account of laps of the prescribed time or otherwise will be deleted from the register.

(4) That a list of such disqualified persons will be provided to the concerned AROs before the date of nomination papers. This list shall be publicly displayed for the purpose of general information of the public at the time of an election to be held in the future.

5. *Period for Disqualification.*—Period for disqualification shall be five years from the date of such order, unless different period has been specified in a particular category of cases in the Act above mentioned.

By order,
K. C. SHARMA,
State Election Commissioner,
Himachal Pradesh.